

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

ALDRIN GUERRERO MUNOZ,

Case No. 14-CV-0792 (PJS/JJG)

Petitioner,

v.

ORDER

STATE OF MINNESOTA and
MICHELLE SMITH, Warden,

Respondents.

On May 21, 2014, the Court dismissed petitioner Aldrin Guerrero Munoz's petition for a writ of habeas corpus. *See* ECF No. 13. Munoz now moves (1) to proceed *in forma pauperis* ("IFP") on appeal; (2) for appointment of counsel on appeal; and (3) for issuance of a certificate of appealability.

First, it appears that Munoz was already granted permission to proceed IFP in this Court, and thus Munoz may proceed IFP on appeal without further authorization. *See* Fed. R. App. P. 24(a)(3). Nevertheless, the Court has reviewed the financial information included in Munoz's IFP application and concludes that he is financially eligible for IFP status. Accordingly, Munoz's motion to proceed IFP on appeal is granted.

Second, it is the Court's understanding that any motion for appointment of counsel on appeal should be directed to the Eighth Circuit. The Court will therefore deny Munoz's motion for appointment of counsel without prejudice. The Court notes, however, that it would be disinclined to grant Munoz's motion to appoint counsel if it were to decide the motion on its merits.

Third, the Court has already declined to issue a certificate of appealability to Munoz. *See* ECF No. 13. Nothing in Munoz's petition for habeas relief or memorandum in support of his motion for a certificate of appealability presents "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). *See also* ECF No. 11 at 10 ("[I]t is highly unlikely that any other court, including the Eighth Circuit Court of Appeals, would decide Petitioner's claims any differently than they have been decided here."). Accordingly, the Court denies Munoz's motion for a certificate of appealability.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY ORDERED THAT:

1. Petitioner Aldrin Guerrero Munoz's motion to proceed IFP on appeal [ECF No. 16] is GRANTED.
2. Munoz's motion for appointment of counsel [ECF No. 17] is DENIED WITHOUT PREJUDICE.
3. Munoz's motion for certificate of appealability [ECF No. 20] is DENIED.

Dated: June 19, 2014

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge